



BLACKFEET TRIBE

WATER AND SEWER ORDINANCE

AUTHORIZED BY BLACKFEET TRIBE RESOLUTION # 102-2002

WATER

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- 01.02 Water – General Rules and Regulations
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SEWER

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CHAPTER 01.01

GENERAL PROVISIONS – WATER AND SEWER ORDINANCE

Sections:

01.01.1	Title
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01.01.10	Usage – Violation – Charge
01.01.11	Right of Entry
01.01.12	Violation – Penalty
01.01.13	Enforcement of General Rules and Regulations

01.01.1 Title. This Ordinance shall be known as the Blackfeet Tribe, Water and Sewer Ordinance and may be cited as such, and shall be referred to in this chapter and other chapters as “the Ordinance”. Chapter means the Ordinance.

01.01.2 Applicability of Ordinance. The rules and regulations of the Blackfeet Tribe set out in this Ordinance are made a part of the contract with every individual, firm, municipality, community, firm, organization or corporation who takes water or connects to the Blackfeet Tribe’s water or sewer systems, and every individual, firm, municipality, community, firm, organization or corporation agrees in making an application for water or sewer to be bound thereby.

In all cases wherein by the rules set out in this chapter any discretion is vested in personnel of the Blackfeet Tribe, such discretion shall be subject to the control of the Blackfeet Tribal Business Council.

01.01.3 Purpose. The purpose of this Ordinance is to provide standards to safeguard life, health, property and public welfare of the inhabitants of the Blackfeet Reservation and for the purpose of controlling the use of the water and sewer systems by regulating and managing the design, quality of materials, construction, location and maintenance; to charge and collect service fees upon all lots, lands, property and premises served or benefited by the said systems. The purpose of the rates and charges shall be to generate sufficient revenue to pay all costs for the operation and maintenance, administration and routine functions of the existing and such future facilities as may be established within, or without the Service Area including debt service. The water and sewer systems and facilities consist of all pipelines, conduits, manholes, clean outs, water/sewer mains, intercepting sewers, outfall sewers, lift stations, pumps, structures, mechanical



equipment and facilities for the treatment and or disposal of water and sewage or sewage by-products.

01.01.4 Rates – General. All rates or fees for use of the utility systems or for permits, licenses, connections or inspections shall be defined by resolution and approved by the Blackfeet Tribal Business Council. The Blackfeet Tribe reserves the right to develop and implement separate rate schedules for classes of users not specified elsewhere in this title.

01.01.5 Rates – Complaint – Procedure. The rates, charges and rentals specified or identified by Resolution #102-2002 shall be deemed prima facie fair, reasonable, and equitable. In any case where any contention is made that the rates are unfair, inequitable or unreasonable, the party objecting thereto shall apply to the Blackfeet Utilities, stating the facts and grounds of complaint and the Blackfeet Utilities shall investigate and report with recommendations to the Blackfeet Tribal Business Council. [The Blackfeet Tribal Business Council may choose to establish a Utility Commission and to delegate certain responsibilities for oversight of the Ordinance.

01.01.6 Billings – Payments. Billing for utility services will be made monthly. Payments shall be made at the Blackfeet Utility office within ten (10) days after the billing date. If not paid before the fifteenth day after the billing date, the right is reserved to discontinue the service after a reasonable written notice.

01.01.7 Service area. The utility service area shall be inclusive of all areas within the exterior boundaries of the Blackfeet Reservation. The Blackfeet Tribe reserves the right to provide services to users outside the exterior boundaries of the Blackfeet Reservation.

01.01.8 Private water or sewer systems. There shall be no physical connection between any private water supply system and the Blackfeet Water System on or in any premises served by the Blackfeet Water System. Private (commercial) sewage disposal systems are not allowed within the exterior boundaries of the Blackfeet Reservation.

01.01.9 Destruction or vandalism to utility facilities. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment, which is a part of the Utility facilities of the Blackfeet Tribe. Any person(s) violating this provision shall be guilty of a misdemeanor.

It is an offense punishable pursuant to the general penalty provided for in the Blackfeet Law and Order Code for any person to do any of the following acts.

A. To open, close, turn or interfere with or attach to, or connect to a fire hydrant, stop valve or stop cock belonging to Blackfeet Tribe, without proper permit;



- B. To throw any deleterious matter into Lower Two Medicine Lake within three thousand (3,000) feet of the inlet pipe to the water treatment plant.
- C. To swim or bathe in Lower Two Medicine Lake within five hundred (500) feet of the inlet pipe to the water treatment plant.
- D. For any person to fill any tank or container having a capacity of more than five gallons and used for the transportation of chemical or solutions of chemicals of any kind whatsoever with water obtained directly from any water source connected with the Blackfeet Tribe's water system including, but not limited to, public, private, or domestic standpipes, hydrants, taps, pipes, or hoses, unless the same have been equipped with a backflow preventive device approved and inspected by Blackfeet Utility. The foregoing shall not prohibit any person from filling such containers with water obtained indirectly from the Blackfeet water system by means of a second or intermediate container, or at water sources specifically designated and approved by Blackfeet Utility for the filling of containers used for the transportation of chemicals or solutions of chemicals.

01.01.10 Usage rates – Violation – Charges. The rates will cover the use of the Blackfeet Utility systems in accordance with this chapter. Overtime will be charged for work done other than during normal working hours. If a consumer uses the Blackfeet Utility for purposes other than those he/she is paying for, it is a violation of his/her contract, and the consumer offending, after reasonable notice, may have the water shut off and service discontinued until such time as the additional service furnished has been paid for, together with the actual additional expense incurred in shutting off and turning on the water.

01.01.11 Right of Entry. Blackfeet Utility employees bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to water quality or discharge into the Blackfeet Water/Sewer System or repair and maintenance of any portion of the utility system/facilities in accordance with the provisions of this chapter. Where the property entered is an easement, all work shall be done in accordance with the terms of the easement agreement.

01.01.12 Violation – Penalty. Violation of any of the terms of the Ordinance is a misdemeanor and is punishable pursuant to the general penalty provided by this Resolution. In addition to the foregoing penalty, upon receiving notification from an authorized official of a violation of any part of the Ordinance the director of Blackfeet Utilities shall immediately cause the water supply to be shut off from the premises where such violation is found. The water service shall not be restored until such violation is corrected and has been duly inspected by the authorized official.

01.01.13 Enforcement of Rules and Regulations. It shall be the duty of the Blackfeet Law Enforcement and Fire Departments of the Blackfeet Reservation to give vigilant aid to



the Blackfeet Tribe in the enforcement of its rules and regulations, and to this end they shall report to the office of the director of Blackfeet Utility all violations thereof which come to their knowledge.

END OF CHAPTER 01.01



CHAPTER 01.02

WATER – GENERAL RULES AND REGULATIONS

Sections:

- 01.02.1 Definitions – Water.
- 01.02.2 Water Service – Emergency Discontinuance.
- 01.02.3 Restriction of Water Use – Authorization.
- 01.02.4 Restriction of Water Use – Violation – Misdemeanor.
- 01.02.5 Water Service – Violation – Penalty.
- 01.02.6 Water Service – Owner Responsibilities.

01.02.1 Definitions – Water. Unless the context specifically indicates otherwise, the meaning of terms used in this title shall be as follows:

- A. “Authority” means the Blackfeet Tribe, or Blackfeet Utility enacting and enforcing the Ordinance.
- B. “Bathe” means to immerse and wet oneself or wash oneself.
- C. “Blackfeet Utility Director” means the manager of Blackfeet Utilities or authorized agent, or representative.
- D. “Connection Fee” is a fee for service extension to new buildings, or for extension to new or existing buildings for larger diameter lines.
- E. “Curb” shall mean the vertical member along the edge of a street to form part of the gutter.
- F. “Curb Box” is a cast iron or plastic tube-like device to provide easy access to curb valves, which are located underground.
- G. “Curb Valve” is a valve installed in the water service line and accessible for operation from the surface of the ground for routinely interrupting flow through the service line.
- H. “Dedicated Right of Way” means a legal right to the land used by a public utility for water or sewer lines.
- I. “Easement” means an acquired legal right for the specific use of land owned by others.
- J. “Motel” and “Hotel” means a building or group of buildings on the same premises either detached or in connected rows; containing sleeping or dwelling units, and designed for, or occupied with an ordinary rental period not exceeding two weeks.
- K. “Family Residence” is a dwelling structure having not more than two living units.
- L. “Fire Lines” shall mean lines which provide water to private fire alarm systems.
- M. “General Plumbing Permit” is a permit issued when any water service piping is repaired, altered or installed.
- N. “Mobile Home” shall mean a trailer that is used as a permanent dwelling, is connected to utilities and designed without a permanent foundation.
- O. “Public Works Standard Specifications” are manuals or documents produced by the Environmental Protection Agency or Indian Health Service establishing uniformity



of engineering and construction practices among public work projects on the Blackfeet Reservation. The Blackfeet Tribe may apply standards adopted and in use in the State.

- P. "Multi-unit Dwelling" means a building containing a unit or combination of units with individual bath and kitchen facilities. This definition includes apartments, condominiums, occupied on an intermittent basis and is not utilized as a primary residence.
- Q. "MUTCD" means Manual of Uniform Traffic Control Devices.
- R. "O & M" means operation and maintenance.
- S. "Private Water Supply System" means any assemblage of pipes, hose, conduits, pumps, tanks, siphons, etc., whereby water is obtained from any well, spring, pond, digging, river or lake, to be used on or above the ground for any purpose.
- T. "Remote" means the outside receptacle used to read the water meter consumption.
- U. "Residential Building" means and includes only the following types of buildings and structures: single family residential, duplex, triplexes, apartment houses, motels, hotels, trailer courts and multi-unit dwellings.
- V. "Residential Customer" means any single family residence occupied by one family.
- W. "Right of Way permit" is a permit issued for any excavation in a dedicated right of way.
- X. "Service Area" see chapter 01.01, section 01.01.7.
- Y. "Service Connection" is the point at which the building water or sewer connects to the public water or sewer.
- Z. "Shall" is mandatory.
- AA. "Single Family Service" shall mean that one meter is supplied for service to one dwelling unit.
- BB. "Single Family Residence" means a building designed for and used exclusively for residence purposes by one family. This definition shall include a single mobile home not located in a trailer court.
- CC. "Sprinkler Line" shall mean lines providing water to underground lawn sprinkling systems.
- DD. "Tapping Fee" is a fee charged for any new or replacement tap being made on a water main.
- EE. "Trailer Court or Mobile Home Park" means any area or site or land upon which two or more mobile homes are placed and maintained for dwelling purposes, either on a permanent or semi-permanent basis.
- FF. "Trailer House" is the same as "mobile home".
- GG. "Utility" means a service (water, sewer, storm drain) or Blackfeet Utility that provides such a service.
- HH. "Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.
- II. "Water Meter" shall be referred to as "meter".
- JJ. "Water Service" shall mean any utility water that is provided to a location.
- KK. "Water Service Line" is the line that carries the water to the requested location.
- LL. "Water, Sewer, Sanitation, Storm Drain and Fire Hydrant Consumer Contact" shall mean the contract made between the Blackfeet Tribe and the customer.



01.02.2 Water Service – Emergency Discontinuance. Notice will be given, whenever practicable, prior to shutting off the water, but consumers are warned that owing to unavoidable accidents or emergencies their water supply may be shut off at any time. Any temporary failure on the part of the Blackfeet Utility to supply service by reason of an accident or otherwise shall not render Blackfeet Utility liable beyond a pro rata abatement of service charges during such interruption.

01.02.3 Restriction of Water Use – Authorization. A. Blackfeet Utility reserves the right in the case of shortage of water, or for any other cause, to make an order, rule or regulation forbidding or suspending the use of Blackfeet Utility Water for sprinkling, irrigating or watering any lawn or garden, or other uses deemed necessary. B. The Director of Blackfeet Utility is authorized and empowered, when in his/her opinion the amount of water being pumped reaches such volume that, unless restricted, the public health, safety and general welfare might be endangered, to establish the times and hours when Utility water may be used for irrigating, sprinkling or watering lawns and gardens, and may set and fix times when no water may be used for such purposes by giving notice through the Reservation communities' official newspaper and local radio stations.

01.02.4 Restriction of Water Use – Violation – Misdemeanor. Any person violating the restrictions as imposed by Blackfeet Utility or who wastes water by letting it run without legitimate use or approved use shall be guilty of a misdemeanor.

01.02.5 Water Service – Violation – Penalty. A. For violation of any of the rules set out in the Ordinance or for nonpayment of water rent, for either domestic, sprinkling or other purposes, Blackfeet Utility has the right to turn off the water without further notice, and after it has been turned off from any service pipe on account of nonpayment or violation of the rules, the same shall not be turned on again until back rents and the cost to turn the water on are paid. The charge for turning the water on shall be determined by Blackfeet Utility.

B. Blackfeet Utility agrees to furnish water and sewer services for certain specified users for a certain specified sum. If, therefore, a consumer furnishes other people with water without permission from Blackfeet Utility or uses it for other purposes than those he/she is paying for, it is a violation of his/her contract, and the consumer offending, after reasonable notice, may have his/her water shut off and service discontinued until such time as the cost of additional service furnished and the cost to turn the water on are paid. The charge for turning the water on shall be determined by Blackfeet Utility.

01.02.6 Water Service – Owner Responsibilities. Owners of property must keep their fixtures and service pipes in good order at their own expense, and all water ways closed when not in use. Leaky fixtures must be repaired at once without waiting for a notice from Blackfeet Utility, and if not repaired after reasonable notice is given the water will be shut off by Blackfeet Utility.

END OF CHAPER 01.02



CHAPTER 01.03

WATER – SERVICE LINES

Sections:

- 01.03.1 Water: Service Line – General Regulations.
- 01.03.2 Water: License – Application - Fee
- 01.03.3 Water: License – Conditions.
- 01.03.4 Water: Service Line – Permits – Inspections – Fees.
- 01.03.5 Excavations – General Regulations.
- 01.03.6 Excavations – Streets or Alleys.
- 01.03.7 Excavations – Refilling.
- 01.03.8 Water Service – Razed Buildings – Regulations.

- 01.03.1 Water: Service Line – General Regulations.** A. Every person, firm corporation or licensee under this chapter wishing to install, repair, extend, alter, relocate, replace or otherwise modify any water service line or pipe, or wishing to excavate any trench for the purpose of laying or repairing any water service line or pipe, shall obtain a proper license for such work from Blackfeet Utility. All the expense of laying and maintaining the service pipes from the mains to the consumer's premises must be borne by the consumer.
- B. No plumber or other person will be allowed to make a connection with any conduit, pipe or other fixture connecting therewith, or to connect pipes when they have been disconnected, or to turn water off or on, on any premises without permission from Blackfeet Utility Director.
- C. Service pipes shall be so arranged that each separate building and/or house shall be supplied by a separate service line from the Blackfeet Utility Main. A valve or curb stop (with box) shall be installed in each service line so that the supply may be controlled from the street side of the property line, under rules established by the Blackfeet Tribe. This curb valve and box must be kept in repair and easily accessible to Blackfeet Utility crews.
- D. At no time shall any person extend a water service which is intended to supply water to a property facing one avenue or street to another property facing another avenue or street if said water service has to cross a public right of way such as an avenue, street or alley.
- E. Where water is now supplied through one service to several houses, families, or persons, the Blackfeet Utility Director may either decline to furnish water until separate services are provided, or may continue the supply on the condition that one person shall pay for all on the same service, and assume full responsibility for the maintenance and repair of the entire service line.



- F. When the owner fails to properly maintain the curb valve and box and it becomes necessary for Blackfeet Utility to shut off the water, necessary repairs or restoration will be made by Blackfeet Utility or if the service line fails between the Utility main and the curb shut off and the owner does not take prompt action for its repair, the Utility will shut the service line off at the corporation cock (connection to the main) but will not repair or replace the service line. In both of the foregoing instances reasonable written notice will be given the owner regarding the action to be taken by the Utility. The entire cost of time and materials will be charged to the owner. This charge shall be paid before the water service is restored.
- G. Water will not be turned on at any new building until all water used during construction has been paid for.
- H. 1. Water services $\frac{3}{4}$ inches through two (2) inches shall be of Type K soft copper from the corporation stop (connection to the main) to the entrance valve in the building or residence. From the entrance valve to a point a minimum of one foot past the meter setting, the service material shall be of type M or L hard copper pipe, or other material as authorized by Blackfeet Utility.
2. Fire lines and domestic lines over 2 inches in diameter shall be of C900 Class 200 PVC or ductile iron. When C900 Class 200 pipe is used, it can run to a point ten feet outside the building foundation. From that point the material used shall be of ductile iron the remainder of the way into the building up to the water meter or fire system apparatus, or other material as authorized by Blackfeet Utility.
- I. The service pipe must be laid below final street grade and on the consumer's premises, at a standard depth (not less than six feet) as designated by Blackfeet Utility to prevent freezing. If shallower at the water main, insulation shall be used to protect the service pipe from freezing until the standard depth is obtained.
- J. Within two feet of the point of service entrance to a building, and from one to three feet above the floor, an approved valve of good quality and good hydraulic characteristics must be placed so that the water can be readily shut off from the building. Full way gate valves or rotary valves, which include ball, cone and plug types are recommended. However, better quality compression stops or globe valves are permissible. The inlet side of any entrance valve shall be mechanically joined to service lines three-fourths-inch through two-inches by means of compression fittings. If inlet side of any entrance valve on service lines larger than two-inches diameter shall be mechanically joined to the service pipe and properly supported and restrained against movement in accordance with Blackfeet Utility requirements or approved specifications.
- K. No branch connection shall be made to a service line between the main and the entrance valve. Where a meter is required no branch connection shall be made between the main and the meter.



- L. In areas where water service lines have been stubbed to properties with established property lines and said properties are replatted in order to enlarge lot size, only one service line shall be used to supply the replatted property with water.
- M. All other service lines shall be abandoned at the Utility main. Excavating shall be done by a properly licensed and bonded person or firm. All cost for such work shall be charged to and paid for by the property owner.

01.03.2 Water: License – Application – Fee. The application for a license for running water service pipes shall be endorsed by Blackfeet Utility official who shall be satisfied as to the responsibility and ability of the applicant for doing such work. The annual fee for this license shall be in accordance with Blackfeet Tribe resolution, payable in advance.

01.03.3 Water: License – Conditions. Upon the granting of such a license and before the same has been issued, the licensee shall file with Blackfeet Utility a general liability policy or a written certificate of same with bodily injury limits in the amount of three hundred thousand dollars (\$300,000.00) per claimant, and property damage limits of three hundred thousand dollars (\$300,000.00) per claimant and one million dollars (\$1,000,000.00) per occurrence which shall protect the Blackfeet Tribe against all losses or damages which may occur on account of such license, or the carelessness or negligence of the licensee or employees during the time for which a license is in force; and further conditioned that the licensee shall properly refill any and all trench or trenches made in the community and shall keep and maintain the same in a safe and passable condition, level and even with the street surface for a period of two years from and after the same has been refilled. A bond [cash, licensed surety or letter of credit] shall be required to be filed with Blackfeet Utility in an amount equal to or greater than the estimated cost of street repair (as determined by Blackfeet Utility), for each street, alley, curb and sidewalk to be opened. Each organized or recognized community may establish their own requirements for excavation in streets and alleys.

01.03.4 Water Service Line – Permit – Inspection – Fees. For any such water service line, the person, firm, corporation, or licensee under this chapter shall obtain from Blackfeet Utility (Blackfeet Revenue) a water service line permit, which will give the location, nature, and purpose of the proposed work. This permit must be available at the site of the work at all times during the progress of the work and must be shown to any officer of Blackfeet Utility upon demand. Permits and inspections are as shown in the subsections below. Fees shall be as established by Blackfeet Tribal Resolution.

A. Permit Requirements and Fees.

1. Permit requirements shall be based on the type and nature of the work anticipated and may include one or all of the following:

- a. Right of Way Permit. This permit shall be issued prior to any excavation in a dedicated right of way.



- b. Fire Line Permit. This permit shall be issued prior to the repair or installation of any water service line to be used as a dedicated fire line.
 - c. Curb Permit. This permit shall be issued prior to any excavation, removal, replacement of concrete curb or curb and gutter in a dedicated right of way.
 - d. Sidewalk Permit. This permit shall be issued prior to any excavation, removal, and replacement of concrete sidewalk in a dedicated right of way.
- 2. Two-inch and smaller diameters. Size of service to be stated on permit.
 - 3. Over two-inch diameter. Plans shall be submitted containing the following:
 - a. Plot plan showing the exact location and depth of the entire line being installed; all fitting and valve locations; all with dimensions from property line and existing and proposed building improvements.
 - b. A complete list of proposed materials by type and brand name, all of which must comply with Utility Public Works standards, or other applicable rules and regulations of the community, for water mains and appurtenances.
 - 4. General Plumbing Permit. This permit shall be issued when any water service piping is repaired, altered or installed. For lines two inches and smaller, fee schedules shall be as per the Uniform Plumbing Code. For lines larger than two inches, fees for this inspection permit shall be as per Blackfeet Tribal Resolution.
 - a. Connection Fee. This fee shall be added to at the time of water service extension from the curb box to the building. The connection fee is not applicable to fire lines.
- B. Inspection. An official designated by Blackfeet Utility shall inspect and approve all water service work for water service pipes two-inches diameter and smaller.
- 1. For two-inch and smaller diameter pipes, all materials and installation shall conform to the Uniform Plumbing Code and to this title. Before any trench containing such water service is filled, or pipes covered, all pressure tests shall be conducted satisfactorily.
 - 2. For fire lines and domestic lines larger than two inches in diameter, pressure, leakage, and bacteriological tests shall be conducted in accordance with Blackfeet Utility standard specifications, before acceptance. Blackfeet Utility or authorized representative shall inspect and approve all water service or fire line work for lines larger than two-



inches diameter from the water main to the building entrance valve. Blackfeet Utility or authorized official shall inspect and approve all piping beyond the entrance valve.

3. The Director of Blackfeet Utility or authorized representative shall inspect and approve all replacement of pavement, right of way landscaping, concrete curb, curb and gutter, and sidewalk removed for the construction or maintenance of water or fire lines.

C. Tapping Fee Conditions: This fee shall be issued for any new or replacement tap being made on a water main.

1. Test Taps: The permittee shall pay by direct billing for all test taps, testing equipment, overtime and chemicals used in making tests.

2. Lines larger than two inches: The permittee shall pay by direct billing for all test taps, testing equipment, overtime and chemicals used in making tests. The fees for inspection of these lines shall be as per this Resolution. All time and materials furnished by Blackfeet Utility for services greater than two inches in diameter will be billed separately to the permittee directly by Blackfeet Utility.

3. Lines two inches and under: The fee includes installation of corporation cock on the main, and furnishing of corporation, curb valve and curb box. Saddles, clamps and other extraneous fittings are not included in this fee and will be billed extra by Blackfeet Utility.

4. To obtain a reduced fee for multiple taps, the conditions are:

- a. Greater than five taps required.
- b. All excavations shall be ready for tapping crews at the same time.
- c. The maximum distance between taps shall be one thousand feet.
- d. Lost crew time due to unsafe or incomplete excavations shall be billed directly to the permittee in addition to permit fees.

5. Whenever a tap is made and regular service is not immediately desired, the applicant will bear the entire expense of tapping, subject to a refund whenever regular service is begun.

01.03.5 Excavations – General Regulations. A. No water pipe shall be placed in a sewer trench.

B. Utility separations shall meet local health requirements, including those established by the Indian Health Service and Environmental Protection Agency (if any).

01.03.6 Excavations – Streets or Alleys. Excavations made in public streets or alleys shall not unnecessarily impede travel. Where practicable, boring shall be the preferred paved street crossing process.



A. When it is necessary to excavate entirely across a street, barricades or distinctly legible signs shall be placed at each end of the block per MUTCD and the most current edition of Public Works Standards Specifications.

B. At all times, reflective or lighted barricades shall be placed around the excavation.

01.03.7 Excavation – Refilling. Trenches for water pipes shall be excavated to give the pipe an even bed of solid earth. Trenches shall be backfilled to meet ninety-five percent of maximum dry density as determined by AASHTOT-99 Specifications. All materials, pavement, and adjacent improvements shall be restored and replaced in-kind. The trench shall be guarded against settlement for two years by the permittee, under terms of the street opening bond as provided in Section 01.03.3

01.03.8 Water Service – Regulations. Water service lines supplying water to a building or buildings that are to be razed shall be plugged at the Utility water main if they are not copper. If the service line is copper from the curb stop to the Utility water main it shall be physically disconnected from the building side of the controlling curb stop. The curb box shall be reset over curb stops for live water services remaining. All excavating in a Utility right of way shall be done by the contractor razing the building or a subcontractor who is properly licensed. Service lines will be inspected for material type by a Utility inspector. Service lines being plugged at the Utility main will be plugged and inspected by Utility prior to line(s) being covered.

END OF CHAPTER 01.03



CHAPTER 01.04

WATER SERVICE CONTRACT

Sections:

- 01.04.1 Property Owners Contract With Utility – Deposit.
- 01.04.2 Rates.
- 01.04.3 Incorrect Recordation of Water Consumption.
- 01.04.4 Meter Accuracy.
- 01.04.5 Water/Sewer – Discontinuance.
- 01.04.6 Wholesale Contract/Rates.

01.04.1 Property Owners Contract With Utility – Deposit. Blackfeet Utility contracts with the owners of property, the authorized agents or with tenants. Blackfeet Utility at the discretion of the Director or designee, may require a deposit from anyone contracting with it equal to twice the estimated amount of the monthly or billing period bill. Deposits shall be mandatory in instances where water service was terminated due to delinquent payment of bills and in instances of habitual delinquency in paying bills. Application for the use of water must be made at the Blackfeet Utility Office. Service will be furnished to any consumer who fully and truly sets forth the all the purposes for which water may be required and who agrees to and conforms with all the rules and regulations governing the service; provided the purposes set forth comply with all the Blackfeet Tribe's rules, and that the system of mains and pipes extends to the point where service is desired, and is adequate to supply the service applied for.

01.04.2 Rates. Residential rates shall be charged for dwelling structures having not more than two living units serviced by one water service, on a single lot. Where more than two living units, on a single lot, are serviced by a common water service and said service has only one curb stop which controls the water to all the living units, a commercial rate shall be charged. All rates are established by Blackfeet Tribal Resolution.

01.04.3 Incorrect Recordation of Water Consumption. In case a meter is found stopped for any reason, so that it is not correctly recording the consumption of water, Blackfeet Utility may average the amount due for the current month.

01.04.4 Meter Accuracy. In case of a dispute as to the accuracy of a meter, the consumer, upon depositing the estimated cost of making a test, may demand that the meter be removed and tested as to accuracy, in the consumer's presence. The standard of acceptable accuracy shall be the American Water Works Association Standard # C-700.

A. In case the meter is found to be registering correctly, the cost of such testing and replacing of the meter shall be paid by the consumer.



- B. In case the meter is found to be recording incorrectly, the amount deposited by the consumer will be refunded and a reasonable adjustment made for overcharges, for a period not exceeding sixty days previous to the demand of the consumer for a test to be made.

01.04.5 Water/Sewer – Discontinuance. Should the consumer request to temporarily discontinue the use of the water/sewer, or should the premises become vacant, the Blackfeet Utility, when notified in writing, will shut off the water at the curb. If water service is turned off at the request of the customer, and turned on again, the charge for turning the water on shall be as per Blackfeet Tribe resolution. No deduction in bills will be made for the time any service pipes may be frozen. The Blackfeet Utility will charge the customer for the labor required to shut off or turn on the water on the basis of actual cost. Overtime will be charged for work done other than during normal working hours.

01.04.6 Wholesale Contract/Rates. In some instances Blackfeet Utilities will enter into a contract to supply water at a wholesale rate. Terms and conditions of the contracts used for this will be negotiated and settled on between Blackfeet Utility and the customer. Rates to be charged for wholesale charges will be established by Blackfeet Tribal Resolution.

END OF CHAPTER 01.04

**CHAPTER 01.05****WATER METERS****Sections:**

- 01.05.1 All Water to Pass Through Meter.
- 01.05.2 Selection of Meters.
- 01.05.3 Installation of Meters.
- 01.05.4 Meter Maintenance.
- 01.05.5 Interference With Meter.
- 01.05.6 Temporary Meters for Construction Sites.

01.05.1 All Water to Pass Through Meter. All water service shall be metered (except for fire fighting and fire fighting training). Customers who refuse to convert to the metering system will have their water service terminated.

01.05.2 Selection of Meters. Selection of meters for customer applications shall be made by Blackfeet Utility. The Utility may replace any meter at such time as it may see fit and shall be the judge of the size and make of any meter installed.

01.05.3 Installation of Meters. A. Meters are owned and installed by Blackfeet Utility or by a installer approved and licensed by Blackfeet Utility, except for new construction where the permittee shall fully install the meter and appurtenances.

B. Remote receptacles shall be installed on or near the front of the house or structure.

1. Remote receptacles shall not be placed behind or within two feet of any shrub or vegetation. In the event any fences or structures are built after the remote receptacle is installed and said fence or structure blocks direct access to the remote system, Blackfeet utility may relocate the remote system outside of the fenced area or structure.

2. Blackfeet Utility shall determine the height of the remote receptacle above the ground, but not less than 30 inches above ground level.

C. Remote meter systems otherwise installed, that do not comply with this section shall be removed and Blackfeet Utility shall install the appropriate unit.

D. The removal and replacement of any obstruction which interferes with the installation of the water meter is the responsibility of the property owner.

E. A leaking or otherwise defective water shut-off valve must be replaced in order to facilitate meter installation. Blackfeet Utility or property owner may replace this valve with the cost of valve and installation charge to the property owner. Curb box



locations and shut off services to accommodate valve replacement will be provided by Blackfeet Utility at no charge.

- F. Every meter setting shall include approved valves at both the inlet and discharge sides of the meter thereby enabling service or replacement without back flooding. Where backflow preventers are installed immediately downstream from meter settings, no valve is required on the discharge side of the meter.
- G. Settings for meters three inches or larger shall include valved bypass lines thereby enabling repair or regular testing without interruption of customer service. Only Blackfeet Utility shall operate meter bypass valves which shall remain sealed in the off position when not in use.
- H. When insufficient space is available in existing water piping to accept a proper meter installation, the cost of plumbing modifications or special meter setting equipment shall be charged to the property owner.
- I. For new construction, the permittee shall fully install the meter and appurtenances. The meter shall be furnished by Blackfeet Utility.
- J. Every displacement meter, compound meter, turbo meter, detector check and fire main meter shall be installed level in a horizontal plane with register or registers facing upward.

01.05.4 Meter Maintenance. The consumer must furnish proper protection from freezing or other damage, and the meter just be located where it is easily accessible for the reading purposes and repairs. Where proper protection is not furnished and meter damage occurs from freezing or other means, the consumer will be charged for labor and materials required to rebuild the meter. If the meter is damaged beyond repair, the consumer will be charged for anew meter to replace the damaged meter.

01.05.5 Mobile Homes – Meters. A. All existing mobile home services shall be metered, either under or inside the home ahead of any branch lines coming off the main service line. If Blackfeet Utilities determines the water meter cannot be installed, a meter pit will be installed in the boulevard area at the Utilities expense. If the mobile home owner refuses to have a meter installed either under or inside the home when the Utility maintains it is possible, the owner will pay for labor, equipment and materials required to install a meter pit.

B. All new mobile home services shall be required to have meter pits located in the boulevard area. The Utility shall furnish proper pits (concrete, plastic, fiberglass or equal) to be installed in its proper location by the contractor installing the water service. Costs for the pit and all labor shall be charged to the property owner.



C. Remote readers shall be located within a reasonable distance of the meter and shall be mounted on a 4x4 redwood post set four feet in the ground, located as authorized by Blackfeet Utility. Distance from ground to the remote shall be forty-four inches, or as designated and required by Blackfeet Utility.

D. An individual water connection will be provided at an appropriate location for each mobile home connection. The connection will consist of a riser terminating at least four inches above the ground surface, with two three-quarter-inch valved outlets. The outlets shall be threaded enabling connection to the home's water piping system with one outlet and the other for use as a hose connection. The ground surface around the riser pipe shall be graded to divert surface drainage away from the connection and the mobile home. The riser pipe shall be encased in insulating material in a six-inch pipe. An insulated cover shall encase both valve outlets enabling connection to the mobile home at all times.

01.05.6 Additional Meters. In no case will Blackfeet Utility furnish water from one meter to two or more houses, mobile homes or any combination thereof, whether the same are owned by one person or not. Mobile home trailer parks, multi unit dwellings, campuses, public building complexes, and medical complexes may be excepted.

01.05.7 Interference With Meter. Water consumers are not permitted to interfere in any with the meter and appurtenances thereto after it is set in place. In case the meter seal is broken or the working parts of the meter have been tampered with or the meter damaged, Blackfeet Utility may render a bill for the current month, based on an average of the previous quarter or the same quarter of the previous year, if available, whichever the Utility determines more accurately reflects water usage for the inaccurate period, together with the full cost of such damage as has been done to the meter, and may refuse to furnish water until account is paid in full.

01.05.8 Temporary Meters for Construction Sites. Water for construction purposes will be furnished through temporary meters and paid for at the regular meter rates. In addition to the cost of the water, the customer will be required to pay the actual cost of setting and removing the temporary meter. In case it is not possible or practical to set a temporary meter, the cost will be determined by applying the regular meter rates to a quantity of water estimated by Blackfeet Utility.

END OF CHAPTER 01.05



CHAPTER 02.01

SEWER – GENERAL RULES AND REGULATIONS

Sections:

- 02.01.1 Sewer - Objectives.
- 02.01.2 Sewer - Definitions.
- 02.01.3 Sewer - Required When – Authority - Failure deemed misdemeanor.
- 02.01.4 Depositing excrement.
- 02.01.5 Septic tanks and cesspools.
- 02.01.6 Installation of toilets required when.
- 02.01.7 Private Wastewater disposal - Connection.
- 02.01.8 Grease, oil and sand interceptors.
- 02.01.9 Industrial wastewater monitoring facility requirements
- 02.01.10 Requirement for pretreatment facilities.
- 02.01.11 Maintenance of pretreatment facilities.
- 02.01.12 Wastewater analysis standards.
- 02.01.13 Special agreements and requirements.

02.01.1 Sewer - Objectives. The objectives of Chapters 02.01 through 02.07 are:

- A. To prevent the introduction of pollutants into the Blackfeet Utility wastewater system, which will interfere with the normal operation of the system or contaminate the resulting sludge.
- B. To prevent the introduction of pollutants into the Blackfeet Utility wastewater system which do not receive adequate treatment in the BTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system.
- C. To improve the opportunity to recycle and reclaim wastewater and sludge from the system. These chapters provide for the regulation of discharges into the Blackfeet Utility wastewater system through the enforcement of administrative regulations.

02.01.2 Sewer - Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in Chapters 02.01 through 02.07 shall be as follows:

- A. "Act" means the Clean Water Act (33 U.S.C. 1251 et seq.), as amended.
- B. "BTW" means treatment works owned by the Blackfeet Tribe and includes any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the Blackfeet Tribe.



C. "Authority" means the Blackfeet Tribe and Blackfeet Utility, the entity enacting and enforcing this chapter.

D. "Applicable pretreatment standards" means local or Federal standards, whichever are more stringent.

E. "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter.

F. "Building drain" means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning two (2) feet (.6 meters) outside the building wall.

G. "Building sewer" is part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal.

H. "Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

I. "Categorical Pretreatment Standards" means the National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a BTW (see definition) by specific industrial discharges.

J. "Combined sewer" means a *sewer* intended to receive both wastewater and storm or surface water.

K. "Discharger/industrial discharger" means any nonresidential user who discharges an effluent into a BTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

L. "Easement" means an acquired legal right for the specific use of land owned by others.

M. "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater *shall* be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

N. "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.



O. "Hauled wastes" means any sewage or wastewater contained in a tank or similar apparatus and which is transportable by vehicle, rail car or other mode.

P. "Indirect discharge" means the discharge or the introduction of non-domestic pollutants from a source regulated under Section 307(b) or (c) of the *Act*, into a BTW.

Q. "Industrial wastes" means the solid, liquid or gaseous wastes resulting from any industrial manufacturing, trade, or business processes or from the development, recovery or processing of natural resources.

R. "Interference" means an inhibition or disruption of the BTW, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of the BTW's permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the BTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including regulations contained in any Blackfeet Tribal sludge management plan (once prepared and adopted) prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, and the Toxic Substances Control Act. An industrial user significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with the above-cited authorities whenever such user:

- a. Discharges a daily pollutant loading in excess of that allowed by contract with the BTW or by Federal, or local law;
- b. Discharges wastewater which substantially differs in nature or constituents from the user's average discharge; or
- c. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a BTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the BTW's selected method of sludge management.

S. "Motel and Hotel" means a building or group of buildings on the same premises either detached or in connected rows; containing sleeping or dwelling units, and designed for, or occupied with an ordinary rental period not exceeding two weeks.

T. "Multi-unit dwelling" means a building containing a unit or combination of units with individual bath and kitchen facilities. This definition includes apartments, condominiums, townhouses, and duplexes, triplexes, etc. A seasonal multi-unit dwelling is an individual unit of a multi-unit dwelling which is occupied on an intermittent basis and is not utilized as a primary residence.



U. "Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

V. "New source discharger" means any new industrial discharger to Blackfeet Utility's wastewater system subject to the provisions chapters 02.01 through 02.07.

W. "O&M" means operation and maintenance.

X. "Other wastes" means decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.

Y. "Pass through" means a discharge which exits the BTW into waters of the Blackfeet Reservation in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the BTW's Blackfeet Pollutant Discharge Elimination System (BPDES) Permit (including an increase in the magnitude or duration of a violation).

Z. "Person" means any individual, firm, company, association, society, corporation or group.

AA- "Ph" means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a Ph value of seven and a hydrogen ion concentration of ten to the power of minus seven.

BB. "Pollutant" means any substance discharged into a BTW or its collection system, including the EPA List of 126 Priority Pollutants; and substances, which create a fire or explosion hazard, cause corrosive structural damage, solid or viscous substances which could cause obstruction to flow in sewers, substances released in such volume or strength as to cause interference in the treatment plant, heat in amounts which will inhibit biological activity at the treatment plant, and heavy metals and similar toxic substances which could cause upset treatment plant operations.

CC. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a BTW.

DD. "Properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater and one-half inch (1.27 centimeters) in any dimension.



EE. "Public sewer" means a sewer in which all *owners* of abutting properties have equal rights, and which the Blackfeet Tribe controls.

FF. "Residential building" means and includes only the following types of buildings and structures: single-family residential, duplexes, triplexes, apartment houses, motels, hotels, trailer courts, and multi-unit dwellings.

GG. "Sanitary sewer" means a sewer which carries sewage from residences, commercial buildings, industrial plants, and institutions and to which ground, storm and surface waters are not intentionally admitted.

HH. "Service connection" is the point at which the building sewer connects to the public sewer.

II. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

JJ. "Sewage" is water-carried human wastes or a combination of the water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with such ground, storm, and surface waters as may be present.

KK. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

LL. "Sewer" means any pipe, conduit, ditch, or other device used to collect and transport sewage, wastewater or stormwater from the generating sources.

MM. "Sewer user" is any individual, firm, company, association, society, corporation, or group who has connected to the sewer system.

NN. "Shall" is mandatory.

OO. "Significant industrial discharger" is any industrial user of the Blackfeet Tribe's wastewater disposal system who:

1. Is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 FR Chapter I, subchapter N;
2. Has wastes any priority toxic pollutants or other prohibited pollutants;
3. Has wastes toxic pollutants as defined pursuant to Section 307 of the Act;
4. Has a discharge flow per average day of twenty-five thousand gallons or more of process wastewater to the BTW (excluding sanitary, non-contact cooling and boiler blow down wastewater);



5. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the BTW treatment plant;
6. Is determined by the Blackfeet Tribe to have a significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the systems effluent quality, or air emissions generated by the system; or
7. Has a reasonable potential for adversely affecting the BTW's operation or for violating any pretreatment standard or requirement.

PP. "Single-family residence" means a building designed for and used exclusively for residence purposes by one family. This definition shall include a single mobile home not located in a mobile home court.

QQ. "Slug load" means any pollutant (including biochemical oxygen demand) released in a discharge at a flow rate or concentration which will cause a violation of the discharge prohibitions, or which adversely affects the collection system and/or performance of the wastewater treatment works.

RR. "Storm drain" (sometimes termed "storm sewer") means a drain or sewer for conveying stormwater, groundwater, subsurface water, or unpolluted water from any source.

SS. "Suspended solids" means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

TT. "Toxic pollutants" includes but is not limited to those substances and chemical compounds listed in EPA's list of 126 Priority Pollutants, as amended.

UU. "Trailer court or mobile home park" means any area or site or land upon which two or more trailers are placed and maintained for dwelling purposes, either on a permanent or semi permanent basis.

VV. "Unpolluted water" is water of a quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

WW. "Upset" means an exceptional incident in which a treatment works is unintentionally and temporarily in a state of noncompliance with the discharge standards due to substances introduced into the treatment works and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities,



inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

XX. "Wastewater" means industrial wastes and/or sewage or any other waste including that which may be combined with any groundwater, surface water, and stormwater, that may be discharged to the BTW.

YY. "Wastewater facilities" means the structures, equipment, and processes required to collect, convey and treat wastewater and dispose of the effluent and sludge.

ZZ. "Wastewater treatment works" means an arrangement of devices and structures treating wastewater and sludge. It is sometimes used synonymously with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "BTW".

AAA. "Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.

Any other term not herein defined shall be defined as presented in the "Glossary -- Water and Sewage Control Engineering," A.P.H.A., A.S.C.E. and W.P.C.F., latest edition.

02.01.3 Sewer - Required When – Authority – Failure Deemed Misdemeanor.

A. The Blackfeet Tribal Business Council delegates the Director of Blackfeet Utility the power and authority, to order the owner or owners or agent of any owner or owners, of any house upon any street or part of a street within the Blackfeet Reservation to make a connection with the sewer, and it shall hereafter be the duty of every owner or agent of owner of any house situated upon any lot upon the line of any sewer within the Blackfeet Reservation, after being ordered to do so as aforesaid, and notice thereof given, to make connections with the sewer nearest to such house. When any such connection has been so ordered, it shall be the duty of the person or body issuing the order, or the duty of the Chief of Police (Blackfeet Law and Order) upon the request of any of the foregoing to give notice of such order to the owner or owners of such house or to his or their agent or agents.

B. If any owner or owners or agent of any owner or owners of such houses fails to make such sewer connections within thirty days after having received such notice, the owner(s), shall be deemed guilty of maintaining and fostering a nuisance; and after being notified of such order for the second time, and a failure to make such connection for ten days, such person or persons to whom such notice has been given, as aforesaid, shall be deemed guilty of a separate violation of this chapter for each twenty-four hours such failure continues to exist.

02.01.4 Depositing Excrement. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Blackfeet



Reservation or in any area under the jurisdiction of the Blackfeet Tribe, any human or animal excrement, garbage, or objectionable waste.

02.01.5 Septic Tanks and Cesspools. Except as provided in Section 02.01.7, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

02.01.6 Installation of Toilets Required When. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Blackfeet Reservation and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Blackfeet Tribe, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety days after the date of an official notice to do so, provided the Blackfeet Tribe determines that a service line can reasonably be connected to the public sewer.

02.01.7 Private Wastewater Disposal – Connection. Where a public sanitary or combined sewer is not available under the provisions of Section 02.01.6, the building sewer shall be connected to a private wastewater disposal system complying with the regulations of the Blackfeet Tribe.

02.01.8 Grease, Oil and Sand Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of Blackfeet Utility, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by Blackfeet Utility, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and the means of disposal which are subject to review by Blackfeet Utility. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

02.01.9 Industrial Wastewater Monitoring Facility Requirements. When required by the Blackfeet Tribe, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, control manhole or monitoring facility together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes by the owner and the Blackfeet Tribe. Such structure, when required, shall be constructed in accordance with plans approved by the Blackfeet Tribe, shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe, accessible and in proper operating conditions at all times.



02.01.10 Requirement for Pretreatment Facilities. Any property owner, or sewer user violating the provisions of this chapter shall, upon notice by Blackfeet Utility, immediately install such pretreatment facilities through separators, traps, and/or chemical, physical, or biochemical processes as will make and assure that the sewage contributed from such property or premises will meet the requirements of this chapter.

02.01.11 Maintenance of Pretreatment Facilities. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at the owner's expense.

02.01.12 Wastewater Analysis Standards. All analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by EPA. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Blackfeet Tribe or other parties, approved by EPA. Samples shall be taken at the monitoring facility provided.

02.01.13 Special Agreements and Requirements. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the Blackfeet Tribe and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Blackfeet Tribe for treatment, subject to payment therefore by the industrial user, except that no agreement will relieve the industrial user of obligation under pretreatment regulations 40 CFR Part 403 or any promulgated categorical pretreatment standards.

END OF CHAPTER 02.01



CHAPTER 02.02

GENERAL DISCHARGE PROHIBITIONS AND REGULATIONS

Sections:

- 02.02.1 Discharging Wastewater into Natural Outlet
- 02.02.2 Discharging Storm and Ground Waters into Sanitary Sewers Prohibited.
- 02.02.3 Stormwater to be Discharged into Sewer.
- 02.02.4 Materials Unlawful to Discharge into Sewer.
- 02.02.5 Mass Limitations Prohibitions and Amendments.
- 02.02.6 Treatment of Materials Discharged to the BTW.
- 02.02.7 Accidental Discharge Prohibitions.
- 02.02.8 Disposal of Hauled Wastes.
- 02.02.9 Control of Slug Discharges.

02.02.1 Discharging Wastewater into Natural Outlet. It is unlawful to discharge into any natural outlet within the Blackfeet Reservation, or in any area under the jurisdiction of the Blackfeet Tribe, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

02.02.2 Discharging Storm and Ground Waters into Sanitary Sewers Prohibited. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer.

02.02.3 Stormwater to be Discharged into Sewer. Storm water and all other unpolluted drainage shall be discharged to sewers that are specifically designated as storm sewers or to a natural outlet approved by the Blackfeet Tribe, provided all applicable Blackfeet Tribal and Environmental Protection Agency regulatory requirements are satisfied.

02.02.4 Materials Unlawful to Discharge into Sewer. No discharger shall discharge or cause to be discharged any of the following described substances, waters or wastes into any public sewer or the wastewater disposal system:

A. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion hazard, or be injurious in any other way to the BTW or to the operation of the BTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, any substance with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees



centigrade as determined using the test methods specified in 40 CFR 261.21 and any other substances which are a fire hazard or a hazard to the system.

B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases, in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters.

C. Any waters or wastes having a Ph lower than 5.5 or higher than 9.0 or having any other corrosive property which reasonably could be hazardous to structures, equipment, or personnel of the Blackfeet Tribe, such as, but not limited to, battery or plating acids and wastes, copper sulfate, chromium salts and compounds, or salt brine. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not, shall be prohibited from discharge to the wastewater treatment plant.

D. Solid or viscous substances capable of causing obstruction to flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, spent lime, stone or marble dust, grass clippings, spent grains, spent hops, wastepaper, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding or polishing wastes, animal hides, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, disposable diapers, etc. either whole or ground by garbage grinders. The following limits and restrictions shall also apply:

1. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit or zero degrees centigrade and one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees centigrade.

2. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to review and approval by the Blackfeet Utility director or designee. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

E. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation promulgated in the EPA Categorical Pretreatment Standards (40 CFR, Subchapter N, Parts



400-471). A toxic pollutant shall include, but not be limited to, any toxic pollutant identified in the EPA List of 126 Priority Pollutants.

F. Any water or wastes which, either singly or by interaction, may result in the presence of toxic gases, vapors or fumes within the BTW in a quantity that may cause acute worker health and safety problems.

G. Any substance which may cause the BTW's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. (In no case, shall a substance discharged to the BTW cause the BTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use and disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, Resource Conservation and Recovery Act, or Blackfeet Tribe standards applicable to the sludge management method.)

H. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five [65] degrees centigrade) or containing heat in amounts which will inhibit biological activity in the BTW resulting in interference, but in no case heat in such quantities that the temperature of the wastewater influent at the treatment plant exceeds one hundred four degrees (104) Fahrenheit (forty [40] degrees centigrade). If, in the opinion of the Blackfeet Tribe, lower temperatures of such wastes could harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving streams or otherwise endanger life, health, or property; or constitute a nuisance, the Blackfeet Tribe may prohibit such discharges.

I. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.

J. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting any excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Blackfeet Tribe for such materials.

K. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Blackfeet Tribe as necessary, after treatment of the composite sewage, to meet the requirements of the Blackfeet Tribe, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

L. Any waters, wastes or materials, which exert or cause excessive or objectionable discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions.



M. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Blackfeet Tribe in compliance with applicable Blackfeet Tribal or federal regulations.

N. Any unusual volume of flow or concentrations of wastes defined as slug loads or other pollutants (including oxygen-demanding pollutants - BOD, etc.) released in a single extraordinary discharge episode of such volume or strength as to cause interference to the BTW. The following limits shall not be exceeded:

1. Wastes containing standard five-day biochemical oxygen demand greater than one hundred pounds in any one day unless otherwise approved by the Blackfeet Tribe;
2. Wastes containing more than one hundred pounds of suspended solids in any one day unless otherwise approved by the Blackfeet Tribe;
3. A flow of twenty-five thousand gallons or more per average work day unless otherwise approved by the Blackfeet Tribe;
4. Chlorine demand of more than twenty mg/l unless otherwise approved by the Blackfeet Tribe;
5. Wastewater at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

O. Waters or wastes which, alone or in combination with other waters or wastes, are a cause of interference or pass through as defined elsewhere in this chapter.

P. Any water or wastes which, either singly or by interaction with other water or wastes, release obnoxious gases, form suspended solids which interfere with the collection system, create a condition deleterious to structures and treatment processes, cause a hazard to human life or create a public nuisance.

02.02.5 Mass Limitations Prohibitions and Amendments. The Blackfeet Tribe may impose mass limitations on discharges, which are using dilution to meet the pretreatment standards or requirements of this chapter, or in other cases where imposition of mass limitations is deemed appropriate by the Blackfeet Tribe. No discharger shall increase the use of potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter. The Blackfeet Tribe reserves the right to amend this chapter to provide for more stringent limitations or requirements on dischargers to the BTW where deemed necessary to comply with the objectives set forth in this chapter, or



is required by changes in the Blackfeet Tribe or Federal discharge standards, whichever is more stringent.

02.02.6 Treatment of Materials Discharged to the BTW. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which exceed or violate the limitations of this section, the Blackfeet Tribe may;

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge;
- D. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges. If the Blackfeet Tribe permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Blackfeet Tribe and subject to the requirements of all applicable codes, Resolutions, and laws; and/or
- D. Seek enforcement and legal remedies contained in this chapter for violations of the limitations and provisions of this chapter.

02.02.7 Accidental Discharge Prohibitions. Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. As required by the Blackfeet Tribe, detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Blackfeet Tribe for review, and shall be approved by the Blackfeet Tribe before construction of the facility. As required by the Blackfeet Tribe, each existing discharger shall complete its plan and submit same to the Blackfeet Tribe within thirty days after formal adoption of the Resolution codified in this chapter. No discharger who discharges to the BTW after the aforesaid date shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the Blackfeet Tribe. Review and approval of such plans and operating procedures by the Blackfeet Tribe shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter. Dischargers shall notify the Blackfeet Tribe immediately, followed by a written report within five days, upon the occurrence of a slug load or accidental discharge of substances prohibited by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any discharger who discharges slug loads of prohibited materials shall be liable for any expense, loss or damage to the BTW, in addition to the amount of any fines imposed on the Blackfeet Tribe on account thereof under Federal law. Signs shall be permanently posted in conspicuous places on discharger's premises, advising employees whom to call in the event of a slug load or accidental discharge.



Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

02.02.8 Disposal of Hauled Wastes. Any person wishing to dispose of hauled wastes shall utilize facilities specifically designated for this purpose. Unless express permission is otherwise granted, disposal shall take place at facilities located at the municipal wastewater treatment plant. The discharging of these wastes shall take place only under supervision of Blackfeet Utility personnel or their agents, unless otherwise approved by the Blackfeet Tribe. Persons disposing of wastes in this manner shall disclose to the Blackfeet Tribe upon demand the nature of the waste and its origin. Prior to acceptance of the waste, the Blackfeet Tribe has the right to sample and analyze the waste and inspect the location of its origin, including all industrial processes, which may reasonably have contributed pollutants to the waste. The Blackfeet Tribe has the right to reject any wastes, which are prohibited, by any section of this chapter.

02.02.9 Control of Slug Discharges. The Blackfeet Tribe may evaluate each industrial user to determine the need for the discharger to control slug discharges. For the purpose of this section a slug discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge. If the Blackfeet Tribe decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying Blackfeet Utility of slug discharges, including any discharge that would violate a prohibition under Section 02.01.11, with procedures for follow-up written notification within five days;
- D. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

END OF CHAPTER 02.02



CHAPTER 02.03

BUILDING SEWER – GENERAL REGULATIONS

Sections:

- 02.03.1 Sewer Connection – License – Application – Fee.
- 02.03.2 Sewer Connection – License – Issuance.
- 02.03.3 Building Sewer – Permits – Classification.
- 02.03.4 Building Sewer – Permit – Fees.
- 02.03.5 Building Sewer – Connection – Costs.
- 02.03.6 Building Sewer – Maintenance, Repair or Replacement – Responsibility
- 02.03.7 Building Sewer – Collapsed or Plugged.
- 02.03.8 Building Sewer – Building Demolition.
- 02.03.9 Building Sewer – Trench Refilling.
- 02.03.10 Building Sewer – Pipe Size.
- 02.03.11 Building Sewer – Construction Materials.
- 02.03.12 Building Sewer – Required When.
- 02.03.13 Building Sewer – Use of Old Sewer.
- 02.03.14 Building Sewer – Elevation.
- 02.03.15 Building Sewer – Connections Prohibited.
- 02.03.16 Building Sewer – Connection to Public Sewer.
- 02.03.17 Building Sewer – Inspection – Supervision
- 02.03.18 Building Sewer – Excavation Regulations.

02.03.1 Sewer Connection – License – Application – Fee. A. No person shall excavate for or construct any sewer, drain or cesspool or make a connection thereto or modify or repair the same without holding a proper license for such work from the Blackfeet Utility, except that any person shall have the right to excavate a trench or ditch upon his/her own premises for water pipes, drains, or sewers; provided the laying of water pipes or drains therein shall be done by a licensed plumber or drain layer.

B. The annual license fee for the license shall be set by Blackfeet Tribal resolution and the Blackfeet Utility shall take applications for and issue the license upon receipt of the annual license fee, and after having first provided satisfactory evidence of the competency and ability of the applicant to carry on the business of drain laying.

C. No person engaged in the business of drain laying, or sewer connecting, shall allow his/her name to be used by any person, directly or indirectly, either to obtain a permit or to do any work under this license.

02.03.2 Sewer Connection – License – Issuance. Upon the granting of a sewer connection license, and before the same has been issued, the applicant shall file with the Blackfeet Utility a general liability policy or a written certificate of the same with bodily injury limits in the amount of three hundred thousand dollars (\$300,000) per claimant, and



property damage limits of three hundred thousand dollars (\$300,000) per claimant and one million dollars (\$1,000,000) per occurrence.

02.03.3 Building Sewer – Permits – Classification. There shall be two classes of building sewer permits:

A. For residential and commercial service, and

B. For industrial service. No unauthorized person shall uncover, make any connections with opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Blackfeet Utility Department for service to establishments producing industrial waste. In either case, the owner(s) or agent shall make an application on a special form furnished by the Blackfeet Utility Department. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent by Blackfeet Utility.

02.03.4 Building Sewer – Permit – Fees. The sewer permit shall be established by Blackfeet Tribal Resolution, which will delegate the authority to issue or grant permits to Blackfeet Utility.

02.03.5 Building Sewer – Connection –Costs. All costs and expenses incidental to the installation and connections for the building sewer shall be paid by the owner(s). The owner(s) shall indemnify the Blackfeet Tribe from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

02.03.6 Building Sewer – Maintenance, Repair or Replacement – Responsibility. It is the responsibility of the owner of the property being served by a building sewer to maintain, in working order, the building sewer from the building drain to the public sewer. Repair and replacement of building sewer shall be the property owner's responsibility. All repair and replacement must be performed by a properly licensed plumber or drain layer. All costs and expenses incidental to maintenance, repair or replacement of the building sewer shall be paid by owner(s).

02.03.7 Building Sewer – Collapsed or Plugged. If a building sewer is collapsed or plugged causing sewage to come to the surface of the ground, the Blackfeet Tribe may at its discretion, shut off water service to said property until repairs are made to the line.

02.03.8 Building Sewer – Building Demolition. Building sewers serving property where a building is to be razed shall be severed at the property line. The end of the sewer service pipe which drains to the Blackfeet utility sewer main shall be properly plugged. The excavation required for this to be done and the installation of the plug shall be performed by the contractor razing the building or a properly licensed sub-contractor. A Blackfeet Utility inspector will inspect this work.



02.03.9 Building Sewer – Trench Refilling. Trenches within streets or alleys shall be compacted to meet ninety-five percent (95%) of maximum dry density as determined by A.A.S.H.T.O., T-99 specifications. Trenches in lawns and non-driven areas shall be compacted to meet eighty-five percent of the same specification. All surface improvements shall be restored in kind, including but not limited to gravel base, asphaltic or portland cement concrete, lawns, or landscaping. The site shall be left clean and free of extraneous materials. All work shall be warranted by the drain layer for one year against defects in materials and two years for defects in workmanship. Failure to comply with this section may result in penalties set forth elsewhere in this chapter.

02.03.10 Building Sewer – Pipe Size. No drain or sewer pipe shall be less than four inches internal diameter, and all drains and sewers must be of a size adequate for its purpose and such as shall convey, and allow freely and entirely to pass whatever enters, or should enter the same.

02.03.11 Building Sewer – Construction Materials. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Blackfeet Tribe. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply. Schedule 40 PVC or ductile iron pipe shall be used for any sewer within two feet of any building, cellar, vault, or areaway. All other service piping shall be a minimum of S.D.R. 35 P.V.C. manufactured in accordance with A.S.T.M. D3034. Connections between existing service and new or repaired service piping shall be by use of stainless steel banded flexible couplings as approved by Blackfeet Utility.

02.03.12 Building Sewer – Required When. A separate and independent building sewer shall be provided for every building; except where physically impossible, and only as approved by Blackfeet Utility.

02.03.13 Building Sewer – Use of old Sewer. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Blackfeet Utility, to meet all requirements of this chapter.

02.03.14 Building Sewer – Elevation. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

02.03.15 Building Sewer – Connections Prohibited. No person(s) shall make connection of roof downspouts, foundation drains, area-way drains, or other sources of surface runoff



or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

02.03.16 Building Sewer – Connection to Public Sewer. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Blackfeet Tribe. All such connections shall be made gas-tight and water-tight and verified by proper testing. All taps for service piping shall be made in the upper quadrant of the Blackfeet Utility main.

A. Connections of sewer service piping six inches and four inches in diameter to the main sewer shall be made solely by use of service saddles clamped or strapped using stainless steel bands as approved by Blackfeet Utility. Taps into the Blackfeet Utility main shall be inspected by Blackfeet Utility Division personnel after the Blackfeet Utility main has been exposed and made ready for tapping by a licensed drain layer. The drain layer shall be responsible for damages to the Blackfeet Utility main as a result of their own negligence. The drain layer will be charged, over and above the permit fee, for equipment, labor and saddle required to make the tap.

B. Connections of sewer service piping eight inches in diameter or larger shall be made by use of manholes per specifications on file in the Blackfeet Utility office.

02.03.17 Building Sewer – Inspection – Supervision. The applicant for the building sewer permit shall notify Blackfeet Utility when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of Blackfeet Utility.

02.03.18 Building Sewer – Excavation Regulations. All excavations for building sewer installation shall conform to appropriate Federal, and local safety regulations, including adequate barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to Blackfeet Utility.

END OF CHAPTER 02.03



CHAPTER 02.04

WASTEWATER CUSTOMER CLASSIFICATION AND RATES

Sections:

02.04.1	Costs – Purpose
02.04.2	Operation Cost Determination.
02.04.3	Customer Classification.
02.04.4	Residential Rates.
02.04.5	Commercial Rates.
02.04.6	Industrial Rates.
02.04.7	Town of Browning Rates.
02.04.8	Wastewater Discharges – Charge Basis.
02.04.9	Charge for Connection.
02.04.10	Review of Service Charge.

02.04.1 Costs – Purpose. The purpose of this section shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. All such costs shall include the retirement of any debt incurred to fund such system and the maintenance of such reserves as the Blackfeet Tribe determines necessary. The costs shall be distributed equitably to all users of the wastewater system.

02.04.2 Operation Cost Determination. The Blackfeet Tribe, or its Director of Blackfeet Utility, shall determine the total annual cost of operation and maintenance of the wastewater system. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund.

02.04.3 Customer Classification. The classes of customers shall be residential, commercial, and industrial:

A. A residential customer is a user in a dwelling structure having not more than two living units.

B. A commercial customer is a user discharging primarily segregated domestic wastes or wastes from sanitary conveniences. These wastes must have concentrations equivalent to or less than the wastes from a residential user with respect to suspended solids and five-day twenty degrees centigrade biochemical oxygen demand (BOD).

C. An industrial customer is a user discharging any wastes requiring more treatment than wastes from sanitary conveniences. Any waste with a higher concentration than from a residential user with respect to suspended solids and five-day twenty degrees centigrade biochemical oxygen demand (BOD) is classified as an industrial waste.



02.04.4 Residential Rates. All residential customers of the Blackfeet Tribe's water system(s), discharging sewage into the sewer system, shall be charged a flat rate based upon a winter average for the months of December, January, February and March water meter reads. These fees will change annually in May. The exact rates shall be determined by resolution.

02.04.5 Commercial Rates.

A. All commercial customers of the Blackfeet Tribe's water system(s), discharging sewage into the sewer system, shall be charged a fee based upon monthly water meter reads. The exact rates shall be determined by resolution.

B. Commercial customers who choose not to install a separate meter to measure irrigation water and who have landscaped area of living plant material (inclusive of the boulevard area adjacent to their property) equivalent to twenty-five percent of the total square feet of their property area may apply to the Blackfeet Utility billing department for an averaged sewer rate. Areas covered by materials such as rock, gravel or bark and/or poly sheeting shall not be counted as landscaping. For those commercial customers who request the averaged sewer rate, the total annual volume of all sewage would be charged as a flat rate based upon a winter average for the months of December, January, February and March water meter reads. These fees will change annually in May. The exact rates shall be defined by resolution.

C. For users having a water service line larger than three-fourths of an inch, the minimum monthly charge will be defined by resolution.

02.04.6 Industrial Rates. All industrial customers will be charged the same rates for volume usage as the commercial customers. The industrial users will be charged for the processing of extra strength sewage, which the Blackfeet Tribe agrees to accept and treat. Extra strength sewage is any sewage having an excess of two hundred ppm biochemical oxygen demand (BOD) and/or two hundred fifty ppm suspended solids. The additional charges shall be defined by Blackfeet Tribe's resolution.

02.04.7 Town of Browning Rates. The charges for the Town of Browning shall be defined by resolution.

02.04.8 Wastewater Discharges – Charge Basis. Any wastewater discharges into the Blackfeet Tribe's sewerage system from a source other than a Blackfeet Utility water tap shall be added to the sewerage charge based on a test flow for volume monitored by the Blackfeet Utility. The minimum monthly charge will not be less than three-fourths-inch size for a single-family unit or equivalent commercial use. Whichever is greater.

02.04.9 Charge for Connection. Charges for connection of service line to sewer line, which does not include installation costs, are defined by resolution. If one meter serves one multipurpose development, either mobile home, local business, commercial, industrial,



residential use zones, or variance, the connection charge will be based on the size of the water tap. If there is no water tap, the charges will be based on the sewage being discharged on the same ratio as for other sewer connections. If a tap is replaced and the tap size changed, only the difference in the fee between the existing tap and the new tap size will be charged.

02.04.10 Review of Service Charge. The Blackfeet Tribe and Blackfeet Utility shall review the total annual cost of operation and maintenance, the financial plan and cost of service on an annual basis to assure equity of the service charge system established in the chapter. If a significant user, such as an industry, has completed in-plant modifications, which could change the user's wastewater charges, the user can present to Blackfeet Utility, in writing, such factual information to determine if the charges are to be changed. Blackfeet Utility shall notify the user of its findings following action on the request.

END OF CHAPTER 02.04



CHAPTER 02.05

ADMINISTRATION OF INDUSTRIAL WASTEWATER DISCHARGES

Sections:

- 02.05.1 General Provisions.
- 02.05.2 Wastewater Discharge Data Disclosure.
- 02.05.3 Industrial Wastewater Acceptance Form – Permit.
- 02.05.4 Industrial Pretreatment Program Amendments.
- 02.05.5 Reporting Requirements for Dischargers.
- 02.05.6 Limits on Discharge of Selected Pollutants.
- 02.05.7 Notification of Hazardous Waste Discharge.
- 02.05.8 Inspection and Sampling.
- 02.05.9 Confidential Information.

02.05.1 General Provisions. It shall be unlawful to discharge sewage, industrial wastes, or other wastes to any sewer within the jurisdiction of the Blackfeet Tribe, and/or to the BTW without having first complied with the terms of this chapter.

02.05.2 Wastewater Discharge Data Disclosure. All significant industrial dischargers proposing to connect to the wastewater system and discharge sewage, industrial wastes and other wastes to the BTW shall comply with all terms of this chapter within ninety days after the effective date of the chapter. Significant industrial dischargers shall complete and file with Blackfeet Utility a disclosure declaration in the form prescribed by Blackfeet Utility, accompanied by the appropriate fee. Existing significant industrial dischargers shall file disclosure forms within thirty days after the effective date of this chapter, and proposed new dischargers shall file their disclosure forms at least ninety days prior to connecting to the BTW. The disclosure to be made by the discharger shall be made on written forms provided by Blackfeet Utility and shall cover:

- A. Disclosure of name, address, and location of the discharger.
- B. Disclosure of standard industrial classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- C. Disclosure of wastewater constituents and characteristics including, but not limited to, those mentioned in this chapter as determined by bona fide chemical and biological analyses. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR Part 136, as amended.
- D. Disclosure of time and duration of discharges.



E. Disclosures of average daily and instantaneous peak wastewater flow rates, in gallons per day. All flows shall be measured unless other verifiable techniques are approved by Blackfeet Utility due to cost or non-feasibility.

F. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.

G. Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the sewers or works of the Blackfeet Tribe.

H. Disclosure of the nature and concentration of any pollutants or materials prohibited by this chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this chapter on a consistent basis and if not, whether additional operation is required for the discharger to comply with this chapter.

I. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.

1. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this chapter including, but not limited to, dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, executing contract for major construction, and all other acts necessary to achieve compliance with this chapter.

2. Under no circumstances shall Blackfeet Utility permit a time increment for any single step directed toward compliance which exceeds nine months.

3. Not later than fourteen days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to Blackfeet Utility, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date, and if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to Blackfeet Utility.

J. Disclosure of each product produced by type, amount, process or processes, and rate of production.



K. Disclosure of the type and amount of raw materials utilized (average and maximum per day).

L. All disclosure forms shall be signed by a principal executive officer of the discharger, and qualified engineer.

M. All sewers shall have an inspection and sampling manhole or structure with an opening of no less than twenty-four inches diameter and an internal diameter of no less than forty-eight inches containing flow measuring, recording and sampling equipment as required by Blackfeet Utility to assure compliance with this chapter.

Blackfeet Utility will evaluate the complete disclosure form and data furnished by the discharger and may require additional information. Within thirty days after full evaluation and acceptance of the data furnished, Blackfeet Utility shall notify the discharger of Blackfeet Utility's acceptance thereof through issuance of an industrial wastewater acceptance form.

02.05.3 Industrial Wastewater Acceptance Form – Permit. Blackfeet Utility shall issue to the discharger an industrial wastewater acceptance form, which will be based on information in the disclosure form and include:

A. Any fees and charges to be paid upon initial issuance;

B. Limits on the average and maximum wastewater constituents and characteristics;

C. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

D. Requirements for installation and maintenance of inspection and sampling facilities;

E. Special conditions as the Blackfeet Tribe may reasonably require under particular circumstances of a given discharge, including sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

F. Compliance schedules;

G. Requirements for submission of special technical reports or discharge reports where same differs from those prescribed by this chapter; and

H. Any special agreements the Blackfeet Tribe chooses to continue or develop between the Blackfeet Tribe and a discharger.

02.05.4 Industrial Pretreatment program Amendments. The Blackfeet Tribe reserves the right to amend this chapter and the terms and conditions hereof in order to assure compliance by the authority with applicable laws and regulations. Where a discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted a disclosure form as required by Section 01.10.2, the discharger shall file a disclosure form



with Blackfeet Utility within one hundred eighty days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S. EPA. In addition, any discharger operating on the basis of a previous filing of a disclosure statement shall submit to the authority within one hundred eighty days after the promulgation of an applicable National Categorical Pretreatment Standard. The discharger shall be informed of any proposed changes in the chapter at least thirty days prior to the effective date of change. Any changes or new conditions in the chapter shall include a reasonable time schedule for compliance.

02.05.5 Reporting Requirements for Dischargers.

A. Any non-complying discharger subject to a compliance schedule is subject to milestone dates for the commencement or completion of major events leading to the construction or operation of pretreatment facilities shall be required to submit periodic compliance schedule progress reports as required in subsection I of Section 01.10.2.

B. Within ninety days following the date for final compliance by existing dischargers with applicable pretreatment standards set forth in this chapter or ninety days following commencement of discharge of wastewater into the BTW by a new discharger, any discharger subject to this chapter shall submit to Blackfeet Utility a report containing the information described in the Code of Federal Regulations Title 40 Part 403.12 paragraphs (b), (4) and (5). For industrial users subject to equivalent mass or concentration limits established by the Blackfeet Tribe, this report shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the discharger, and certified by a qualified engineer licensed to practice by the Blackfeet Tribe.

C. Any discharger subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard, or, in the case of a new discharger, after commencement of the discharge to the wastewater system, shall submit to the Blackfeet Tribe during the months of June and December, unless required more frequently by the Blackfeet Tribe, a self-monitoring report indicating the nature and concentration, of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the report period reported in subsection B of this section. Flows shall be reported on the basis of actual measurement; provided, however, where cost or feasibility considerations justify, the Blackfeet Tribe may accept reports of average and maximum flows estimated by verifiable techniques. The Blackfeet Tribe, for good cause shown considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors may authorize the



submission of said reports on months other than those specified above. Reports of dischargers shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the Blackfeet Tribe. All analyses shall be performed in accordance with 40 CFR Part 136 and amendments thereto.

D. Any discharger required to implement an accidental spill prevention plan will be required to submit that plan to the Blackfeet Tribe as a requirement of the industrial wastewater acceptance form, or as required upon notification from the Blackfeet Tribe if an industrial wastewater acceptance form is not required of a discharger. Upon approval of the plan by the Blackfeet Tribe, the affected user will be required to implement the plan. Should an accidental spill occur, the discharger will be required to notify the Blackfeet Tribe immediately upon the occurrence of such spill to the wastewater system. The notification shall include location of discharge, date, time, type of waste, concentration, volume, and corrective actions. The notification shall be followed by a written report to the Blackfeet Tribe within five days.

E. If sampling performed by an industrial user indicates a violation, the user shall notify the Blackfeet Tribe within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Blackfeet Tribe within thirty days after becoming aware of the violation.

F. All industrial users shall promptly notify the Blackfeet Tribe in advance of any substantial change in the volume or character of pollutants in their discharge.

02.05.6 Limits on Discharge of Selected Pollutants.

A. In addition to discharge limits stated elsewhere in this chapter discharges of industrial wastewater shall limit output of certain pollutants to the following maximum values:

Arsenic -- 1.36 milligrams per liter
Cadmium -- 5.00 milligrams per liter
Chromium -- 16.72 milligrams per liter
Copper -- 15.13 milligrams per liter
Lead -- 2.63 milligrams per liter
Mercury -- 0.06 milligrams per liter
Nickel -- 15.57 milligrams per liter
Silver -- 0.70 milligrams per liter
Zinc -- 0.51 milligrams per liter

B. The Blackfeet Tribe has the right to review and amend these limits as it determines necessary.

C. The dilution of discharged wastes with uncontaminated or lesser contaminated wastes or waters shall not be an acceptable method of complying with the limitations outlined in this section.



02.05.7 Notification of Hazardous Waste Discharge. Industrial users shall notify the Blackfeet Utility Director, the Director of Blackfeet Environmental Office and the EPA Regional Waste Management Division Director, in writing of any discharge into the BTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. The notification, as outlined in 40 CFR Part 403.12(p) shall take place no later than one hundred eighty (180) days after the discharge occurs. In the case of new regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, notification shall take place within ninety days of the effective date of such regulations.

02.05.8 Inspection and Sampling. The Blackfeet Tribe may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this chapter. The discharger shall allow the Blackfeet Tribe or its representatives to enter upon the premises of the discharger at all reasonable hours, for the purposes of inspection, sampling, record copying, or records examination. The Blackfeet Tribe shall have the right to set up on the discharger's property such devices as are necessary to conduct verification sampling, inspection, compliance monitoring and/or metering operations.

02.05.9 Confidential Information. Information and data furnished to the Blackfeet Tribe with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the Blackfeet Tribe that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger. When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, provided, however, that such portions of a report shall be available for use by the Blackfeet Tribe or any Blackfeet Tribal agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

END OF CHAPTER 02.05



CHAPTER 02.06

INDUSTRIAL WASTEWATER ENFORCEMENT/PENALTIES

Section:

- 02.06.1 Emergency Suspension of Service and Industrial Wastewater Acceptance.
- 02.06.2 Termination of Treatment Service.
- 02.06.3 Notification of Violation – Administrative Adjustment.
- 02.06.4 Show Cause Hearing.
- 02.06.5 Judicial Proceedings.
- 02.06.6 Significant Violations – Annual Publication.
- 02.06.7 Interpretations.
- 02.06.8 Temporary State of Non-Compliance.
- 02.06.9 Bypass.
- 02.06.10 Civil Penalties.
- 02.06.11 Recovery of Costs Incurred by the Blackfeet Tribe.
- 02.06.12 Falsifying Information.
- 02.06.13 Records Retention.

02.06.1 Emergency Suspension of Service and Industrial Wastewater Acceptance. The Blackfeet Tribe may, without advance notice, order the suspension of the wastewater treatment service and the industrial wastewater acceptance form to a discharger when it appears to the Blackfeet Tribe that an actual or threatened discharge:

- A. Presents or threatens an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment, or
- B. Threatens to interfere with the operation of the BTW, or to violate any pretreatment limits imposed by this chapter.

Any discharger notified of the Blackfeet Tribe's suspension order shall immediately cease all discharges. In the event of failure of the discharger to comply with the suspension order, the Blackfeet Tribe may commence judicial proceedings immediately thereafter to compel the discharger's specific compliance with such order and/or to recover civil penalties. The Blackfeet Tribe shall reinstate the industrial wastewater acceptance form and/or the wastewater treatment service upon proof by the discharger of the elimination of the non-complying discharge or conditions creating the threat as set forth above.

02.06.2 Termination of Treatment Service. A discharger shall not:

- A. Fail to factually report accurately the wastewater constituents and characteristics of its discharge;
- B. Fail to report significant changes in wastewater constituents or characteristics;



- C. Refuse reasonable access to the discharger's premises by representatives of the Blackfeet Tribe for the purpose of inspection or monitoring; or
- E. Violate the provisions of this chapter, or any order of the Blackfeet Tribe with respect thereto. The Blackfeet Tribe may terminate wastewater treatment services to any discharger who violates any of the foregoing prohibitions.

02.06.3 Notification of Violation – Administrative Adjustment. Whenever the Blackfeet Tribe finds that any discharger has violated the prohibitions in Section 02.06.2, the Blackfeet Tribe shall cause to be served upon such discharger a written notice (either personally or by certified or registered mail, return receipt requested) stating the nature of the alleged violation. Within thirty days of the date of receipt of the notice, the discharger shall respond personally or in writing or by certified or registered mail, return receipt requested, to the Blackfeet Tribe, advising of its position with respect to the allegations. Thereafter, the discharger shall be given the opportunity to meet with a duly authorized Blackfeet Tribe representative to ascertain the veracity of the allegations and establish a plan for the satisfactory correction of the violations and preclusion of a recurrence thereof.

02.06.4 Show Cause Hearing. Where the violation of Section 02.06.2 is not corrected by timely compliance by means described in Section 02.06.2 the Blackfeet Tribe may order any discharger which suffers or permits a violation of Section 02.06.2 to show cause before the Blackfeet Tribe or its duly authorized representative why the proposed service termination action should not be taken. A written notice shall be served on the discharger by personal service, certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by an ad hoc committee appointed by the Director of Blackfeet Utility regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before such committee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer, or authorized representative of a discharger. The proceedings at the hearing shall be considered by such committee, which shall then enter appropriate orders with respect to the alleged violations of the discharger.

02.06.5 Judicial Proceedings. Following the entry of any order by the Blackfeet Tribe with respect to the violation by a discharger of Section 02.06.2, the Blackfeet Tribe may commence an action for appropriate legal and/or equitable relief in the appropriate Tribal court.

02.06.6 Significant Violations – Annual Publication. A list of dischargers who were significantly violating the terms of this chapter during the previous twelve months shall be annually published by the Blackfeet Tribe in the official newspaper of the Blackfeet Reservation. For the purposes of this section, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:



A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33%) percent or more of all the measurements for each pollutant parameter of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except Ph).

C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of BTW personnel or the general public);

D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the BTW's exercise of its emergency authority under Section 01.11.2 to halt or prevent such a discharge;

E. Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;

F. Failure to provide, within thirty days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance;

H. Any other violation or group of violations which the Blackfeet Tribe determines will adversely affect the operation or implementation of the local pretreatment program.

02.06.7 Interpretations. Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the Blackfeet Tribe on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a discharger and deals with matters of performance of compliance with this chapter for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall not stay enforcement proceedings pending. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with Tribal law.



02.06.8 Temporary State of Non-Compliance. Any discharger which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter shall inform the Blackfeet Utility thereof within twenty-four hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the Blackfeet Tribe within five days. The report shall specify:

- A. Description of the upset, the cause thereof and the upset's impact on the discharger's compliance status;
- B. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur; and
- C. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

A documented and verified bona fide operating upset shall be an affirmative defense to any enforcement action brought by the Blackfeet Tribe against the discharger for any noncompliance with the chapter which arises out of violations alleged to have occurred during the period of the upset.

02.06.09 Bypass.

A. Bypass is prohibited, and the Blackfeet Tribe may take enforcement action against an Industrial user for a bypass, unless:

- 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- 3. The industrial user submitted notices as required under paragraph B of this section.

B. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the Blackfeet Tribe, if possible at least ten days before the date of the bypass.

C. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the Blackfeet Tribe within twenty-four hours from the time the industrial user becomes aware of the bypass. A written submission shall also



be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Blackfeet Tribe may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

D. The Blackfeet Tribe may approve an anticipated bypass, after considering its adverse effects, if the Blackfeet Tribe determines that it will meet the three conditions listed in paragraph (A) of this section.

E. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation.

02.06.10 Civil Penalties. Any discharger who violates an order of the Blackfeet Tribe, or who fails to comply with:

A. Any provision of this chapter, or

B. Any regulation, rule or permit of the Blackfeet Tribe, issued pursuant to the chapter, shall be liable to the Blackfeet Tribe for a civil penalty. The amount of such civil penalty shall be not less than one thousand dollars per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. Such penalties may be recovered by judicial actions and/or, to the extent permissible by Blackfeet Tribal law, by administrative procedures.

02.06.11 Recovery of Costs Incurred by the Blackfeet Tribe. Any discharger violating any of the provisions of this chapter who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the Blackfeet Tribe's wastewater disposal system shall be liable to the Blackfeet Tribe for any expense, loss, or damage caused by such violation of discharge. The Blackfeet Tribe shall, by order, bill the discharger for the cost incurred by the Blackfeet Tribe for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this chapter, enforceable under the provisions of this chapter. Any costs incurred by the Blackfeet Tribe to enforce the provisions of this chapter, including, but not limited to, verification sampling and analysis, special administrative procedures, site inspections and plan evaluation, which are directly and reasonably attributable to any specific discharger, shall be billed to that discharger. General administrative costs to implement and maintain the industrial pretreatment program shall be a part of the operation costs of the wastewater system.

02.06.12 Falsifying Information. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, and plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies,



tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, in addition to civil and/or criminal penalties provided by Blackfeet Tribal law, be guilty of a gross misdemeanor and shall be prosecuted and punished accordingly.

02.06.13 Records Retention. All dischargers subject to this chapter shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the Blackfeet Tribe pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

END OF CHAPTER 02.06

**CHAPTER 02.07****WATER AND SEWER RATE RESOLUTION****Section:**

- 02.07.01 Blackfeet Tribe Resolution #
- 02.07.02 Blackfeet Community Water Project, Water/Sewer Rate

02.07.2 Blackfeet Tribe, Resolution. The Blackfeet Tribal Business Council adopted Resolution # 102-2002, on April 4, 2002, which establishes the Blackfeet Water and Sewer ordinance. A copy of that resolution is attached and is a part of this Ordinance.

02.07.2 Blackfeet Community Water Project, Water/Sewer Rate. The Blackfeet Tribal Business Council has adopted Resolution # 102-2002, establishing water rates, both residential and commercial, connection fees, tapping fees, inspection fees, right of way permits and waste water dumping fees. As provided for in this Resolution the Blackfeet Tribe reserves the right to adjust rates and fees (increase or decrease). The rates are provided in the attached rate sheet.

END OF CHAPTER 02.07



RATE SHEET

Combined Water/Sewer	Quantity Chges		Charge per thousand gallons above base charge										
	1st 2K gal/Mo.		Not Meter Based	Service Line Size (inches)									
	Min. Base Chg.			3/4"	1	1.25	1.5	2	3	4	6	see 6" if na	
				0.75								8	10
<u>RESIDENTIAL</u>													
WATER													
East Glacier-----	32.00	plus		1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.55	1.55
Heart Butte-----			10.45										
Starr School-----			10.45										
Seville-----			10.45										
Babb-----			10.45										
Blackfoot-----			10.45										
SEWER													
East Glacier-----	13.00	plus	40% of water use above base										
Heart Butte-----			7.35										
Starr School-----			7.35										
Seville-----			7.35										
Babb-----			7.35										
Blackfoot-----			7.35										
<u>COMMERCIAL</u>													
WATER													
Line size -				3/4 - 1.5"		1.5 - 4"		4 - 10"					
Regular Commercial	80.00	plus		1.55		1.70		1.85					
Town of Browning	Minimum base use @ 384,000 gallons per month											1.55	
SEWER													
Regular Commercial	32.00	plus	70% of water use above base										
<u>CONNECTION FEES</u>													
WATER													
Per Unit	50.00												
SEWER													
Single Family Unit	25.00												
Business/multi fam	30.00												
<u>TAPPING FEES</u>	WATER - For any new or replacement tap being made on a water main.												
1 - 5 TAPS ea.	150.00												
6 or mor ea.	125.00												
All TAPS must be accomplished using approved material/products, standpipe and meter(s).													
<u>INSPECTION FEES</u>													
WATER Flat \$	\$100.00	Plus costs for test taps, testing equipment, overtime and chemicals.											
SEWER Flat \$	\$100.00												
<u>RIGHT/ WAY PERMIT</u>													
Flat Fee ea.	\$30.00	Required for any excavation in dedicated right of way.											
<u>WASTE WATER</u>													
Hauled 0-100 gallon	20.00	Wastes from holding tanks, privately owned, including RV's											
Over 100 gallons	20.00 per 1,000 gallons			Permit required, identifies disposal site.									



BLACKFEET NATION BLACKFEET NATION

P.O. Box 850 • BROWNING, MONTANA 59417
P.O. Box 850 • BROWNING, MONTANA 59417
(406) 338-7521 • FAX 338-7530
(406) 338-7521 • FAX 338-7530

EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE
EARL OLD PERSON - CHAIRMAN
DARRELL "GORDO" HORN - VICE CHAIRMAN
GORDON MONROE - SECRETARY
LEO M. KENNEDY - ACTING SECRETARY
JOE A. GERVAIS - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL

BLACKFEET TRIBAL BUSINESS COUNCIL
EARL OLD PERSON
DARRELL "GORDO" HORN
GORDON MONROE
DARRELL "GORDO" HORN
LEO M. KENNEDY
TITILUS M. KENNEDY III
CLIFFORD STALLERSON
CLIFFORD STALLERSON
JIMMY R. STALLERSON
JIMMY R. STALLERSON
ERVIN C. CARLSON

RESOLUTION RESOLUTION

NUMBER 102-2002

NUMBER 102-2002

- WHEREAS:** The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian nation, and
- WHEREAS:** The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian nation, and
- WHEREAS:** The Blackfeet Tribal Business Council has been organized to represent, develop, protect and enhance the views, interests, education, health, and resources of the Blackfeet Indian Nation, and
- WHEREAS:** The Blackfeet Tribal Business Council, under Article VI Section 1(a) of the Blackfeet Constitution, is authorized to regulate all activities on the reservation and under (k) to promulgate ordinances, and
- WHEREAS:** The Blackfeet Tribal Business Council has authorized and developed the Blackfeet Community Water Project, which will provide safe, clean drinking water to the people of the Blackfeet Reservation, and
- WHEREAS:** The Blackfeet Tribal Business Council has designated the Blackfeet Utility Program, the authority to administer and operate the Blackfeet Community Water Project, and
- WHEREAS:** The Blackfeet Utility Program currently exists and is providing water, sewer and garbage collection services to the residents of the Blackfeet Reservation, and
- WHEREAS:** The Blackfeet Tribal Business Council requires the Blackfeet Community Water Project and the Blackfeet Utility Program to be supported and guided by a Water and Sewer Ordinance, and
- WHEREAS:** The Blackfeet Tribal Business Council has authorized and accepted grants and loans from the Blackfeet Tribal Business Council, and
- WHEREAS:** Under the direction of the Blackfeet Tribal Business Council, the Blackfeet Planning and Development Department has developed the Blackfeet Utility and Sewer Ordinance including rates that will be charged to customers of Blackfeet utility, and



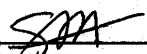
Page 2
Resolution #102-2002

NOW, THEREFORE BE IT RESOLVED:


1. That the Blackfeet Tribal Business Council, acting for and in behalf of the Blackfeet Indian Nation, hereby approves and adopts the Blackfeet Water and Sewer Ordinance and rates.

ATTEST:

**THE BLACKFEET
TRIBE
OF THE BLACKFEET
INDIAN RESERVATION**



Gordon Monroe, Secretary



Earl Old Person, Chairman

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a Duly called, noticed and convened Regular Session, assembled the 4th day of April 2002, with Eight (8) members present to constitute a quorum and with a vote of Eight (8) FOR and None (0) OPPOSED.

(SEAL)



Gordon Monroe, Secretary